GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Gudivada Municipality – Allegations of failure in preventing deviations in construction of Apartment Buildings from approved plans in Gudivada Municipality - Departmental action initiated against Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired) - Inquiry conducted - Imposition of penalty of " withholding of 5% pension for a period of Two (2) years" under Rule-9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.II) DEPARTMENT

G.O.Rt.No.597 **Dated.05.08.2024.**

Read the following:

1. From the Director General, G.A. (V&E) Dept., Vigilance Report No.56 (C.No.993/V&E/D/2010), dated.30.09.2016.
2. G.O.Rt.No.381, MA&UD (Vig.II) Department, dated.25.04.2018.
3. Written Statement of Defence of Charged Officer., dated.28.05.2018.
4. G.O.Rt.No.273, MA&UD (Vig.II) Department, dated.19.06.2020.
5. Inquiry Report from Sri K.Venkateswarlu, Additional Director, GVWV & VSWS Dept., Vijayawada, Letter Roc.No.1432/2020 of RDMA, Guntur, dated: 28.09.2020.
6. Govt. Memo. No.372187/Vig.II/2016, MA&UD (Vig.II) Department, dated.22.09.2021.
7. Written representation of Sri M.Seshagiri Rao, ACP., (Retired), dt.21.10.2021.
8. Govt. Memo. No.372187/Vig.II/2016, MA&UD (Vig.II) Department, dated.05.01.2022.
9. Explanation of Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired), received through DTCP, A.P., Lr.Roc.No.4058/2017/V.Cell, dated: 06.03.2022.
10. Govt. letter No. 372187/Vig.II/2016, Dated.15.06.2022.
11. From the Secretary, APPSC, File No. GAD03-APPSC0DCC-42/2022-DC SEC-APPSC (Computer No. 1763605), dated: 18.07.2022.
12. Revised Show-cause Notice issued for modified penalty to the charged officer vide Govt.Memo.No.372187/Vig.II/2016(E-146765), dated.24.08.2022.
13. Explanation of Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired), received through DTCP, A.P., Lr.Roc.No.4058/2017/V.Cell, dated.24.05.2023.

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O R D E R:

Based on the recommendations of G.A. (V&E) Department, in the reference 1st read above, disciplinary action has been initiated against Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired), on the allegations of failure in preventing deviations in Construction of Apartment Buildings from approved plans in Gudivada Municipality, vide reference 2nd read above.

2. Whereas in the reference 3rd read above the charged officer submitted his written statement of defence denying the charges framed against him and requested to drop further action.

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3. Having not convinced with the written statement of defence submitted by the charged officer, it has been decided to conduct regular inquiry and after following due procedure, orders were issued, in the reference 4th read above, appointing Sri K.Venkateswarlu, ADMA & RDMA, Guntur, as an Inquiry Officer to inquire into the charges framed against the charged officer.

4. The Inquiry Officer conducted Inquiry and submitted his report in the reference 5th read above, and stated that all the four (4) charges framed against Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired) are held proved.

5. Government after careful examination of the Inquiry Report, submitted by the Inquiry Officer, accepted the findings of Inquiry Officer and a copy of said inquiry report was communicated to the charged officer Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired), with a direction to submit his written representation, if any, on the findings of the Inquiry Officer, in terms of Rule 21 (2) of APCS (CCA) Rules, 1991 vide reference 6th read above.

6. In the reference 7th read above, the delinquent officer submitted his written representation and stated that out of (7) sanctioned posts in Town Planning Wing, he is the only one person who looked after the entire Town Planning Wing of Gudivada Municipality and it is an impossible task to discharge the duties of all the (7) TP Staff. However, he issued POs and COs on the Builder and discharged his legitimate duties, as per procedure in vogue. The charged officer further stated that the Inquiry Officer relied upon the technical aspects only and not considered the supervisory lapses and discriminated him, though the charges framed are one and similar. While stating his aforementioned version, he denied the findings of the charged officer and requested to drop further action against him.

7. Government have examined the written representation of delinquent officer, keeping in view the findings of the Inquiry Officer and role and responsibilities of the charged officer and provisionally decided to impose a penalty of "withholding of 3% pension for a period of two (2) years" against Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired), in terms of Rule-9 of AP Revised Pension Rules, 1980. Accordingly, in the reference 8th read above, a show cause notice has been issued to Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired)., as to why the above said penalty cannot be imposed against him under Rule 9 of A.P. Revised Pension Rules, 1980. In reply, the charged Officer submitted his explanation in the reference 9th read above, which is nothing but the reiteration of the points mentioned in his earlier written representation.

8. After careful examination of the inquiry report, written explanation of the Charged Officer and after following due procedure, Government has decided to impose a penalty of "withholding of 3% pension for a period of two (2) years" against Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now Retired), as he had not initiated concerted action for the removal of the deviated portion made in the building and thereby held responsible for the same.

9. In the reference 10th read above, while furnishing the case details and entire record, the APPSC, Vijayawada, has been requested to convey their concurrence

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for imposing the penalty of "withholding of 3% pension for a period of two (2) years" against the delinquent officer, as per Rules in force. In the reference 11th read above, the Secretary, APPSC, Vijayawada, has informed that that after careful examination of the matter in the light of records made available, the Commission proposed to enhance the punishment to "05% for Two (2) years" and advised accordingly.

10. After examination of the above advice of the A.P. Public Service Commission (APPSC), the Government accepted the advice of APPSC and decided to impose a modified provisional penalty of "withholding of 5% pension for a period of Two (2) years" against Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now retired)., duly considering the gravity of charges (failing to prevent deviations), findings of Inquiring Authority, written representation of the charged officer, roles and responsibilities of all the charged officers.

11. Accordingly, further show-cause Notice was issued to Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now retired) specifying as to why the modified penalty of "withholding of 5% pension for a period of two (2) years" should not be imposed against him vide reference 12th read above. In reply, the DTCP, A.P. has furnished the written representation of the charged officer vide reference 13th read above. He has not submitted any new grounds for consideration.

12. After careful consideration of the matter, Government have decided to confirm the provisional decision to impose the penalty of "withholding of 5% pension for a period of two (2) years" against Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now retired).

13. Accordingly, Government hereby impose a penalty of of "withholding of 5% pension for a period of two (2) years" against Sri M.Seshagiri Rao, the then TPS, Gudivada Municipality (now retired), under Rule-9 of A.P. Revised Pension Rules, 1980.as he had not initiated concerted action for the removal of the deviated portion made in the building and thereby held responsible for the same.

14. The Director of Town and Country Planning, A.P, Mangalagiri, shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL KUMAR SINGHAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.Seshagiri Rao, the then TPS,
Gudivada Municipality (now retired), - **through** the DTCP, Mangalagiri.
The Director of Town & Country Planning, A.P., Mangalagiri.

Copy to:

The Secretary, A.P.P.S.C.
2nd Floor, MG Road ,Opp Indira Gandhi Municipal Stadium ,
New R&B Building M.G.Road Vijayawada, NTR District.
The Director General, G.A. (V&E) Department, A.P., Vijayawada.
The Secretary to A.P. Vigilance Commission, 5th Block, A.P. Secretariat.
The Principle Accountant General, A.P., Vijayawada.
SF / SC.

//FORWARDED BY ORDER//

SECTION OFFICER.